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FAX COVER PAGE**Date:** September 8, 2008**Pages (including this page):** 17**To:** Examiner Suzette J. Gherbi, Group Art Unit 3738
U.S. Patent and Trademark Office**Fax:** 571-273-8300**Phone:****From:** Brad A. Schepers**Fax:** (317) 636-1507**Phone:** (317) 238-6334**Subject:** Supplemental Response to Non-Final Office Action for U.S. Patent Application No. 10/699,175**Comments:****Hard Copy Will Be Sent Via:**

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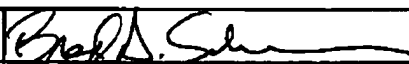
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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/699,175 | |
| | Filing Date | October 31, 2003 | |
| | First Named Inventor | Bianchi et al. | |
| | Art Unit | 3738 | |
| | Examiner Name | Suzette J. Gherbi | |
| Total Number of Pages In This Submission | 15 | Attorney Docket Number | MSDI-434/PC316.08 |

| ENCLOSURES (Check all that apply) | | |
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| Typed or printed name | Brad A. Schepers. | Date September 8, 2008 |

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| Bianchi et al. |) | Suzette J. Gherbi |
| |) | |
| Application of Serial No. 10/699,175 |) | Group Art Unit 3738 |
| |) | |
| Filed October 31, 2003 |) | Ref. No. MSDI-434 |
| |) | |
| OPEN INTERVERTEBRAL SPACER |) | September 8, 2008 |

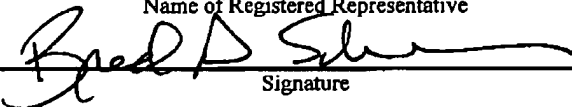
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SUPPLEMENTAL RESPONSE TO NON-FINAL OFFICE ACTION

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Sir:

The subject response is supplementary to Applicant's previous response filed on August 25, 2008. Please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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Supplemental Response
Application Serial No. 10/699,175
Page 1 of 12